

THE AMERICAN

Devoted to Universal Liberty; Gradual Emancipation in Kentucky; Literature; Agriculture; Elevation of Labor, Morally and Politically; Commercial Intelligence, &c. &c.

VOLUME I.

LEXINGTON, KENTUCKY, TUESDAY, JULY 15, 1845.

NUMBER 7.

PRINTED AND PUBLISHED WEEKLY, BY
WILLIAM L. NEALE,
On North Main-street, three doors above the corner,
on Two Dollars and Fifty Cents per annum,
in advance, or THREE DOLLARS if not paid
within three months.

Five copies will be furnished to a club for
Ten Dollars, or Ten copies for Twenty Dollars.
Subscriptions out of Kentucky payable invariably
in advance.

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The very large and increasing circulation of
the *AMERICAN*, in this and other States, will
render it a better advertising medium than any
paper in the city.

POETRY.

We believe with the editors of the *Journal*, that
these are the most exquisite poems written since
the days of the Atlantic.

"The two noble poems submitted have already
appeared in print—although we are unable to say
in what work they originated. They are the
composition of one of our most distinguished poets—
Miss Anna Carter. The *Journal* has no excuse
to offer for giving them in the 'Journal'—except
that we have been profoundly impressed with
their excellence. In modulation and force of
rhythm—its dignity and loftiness of sentiment—
and in every other quality of expression—they
equal if they do not excel any thing of the same
character written by an American.—[*Ed. of the
Broadway Journal*.]"

THE IDEAL.

"La vie est un sommeil, l'amour en est la rêe."
And, sweet dream, it fell upon my soul
When song and thought first woke their echoes
there.

Swaying my spirit to its wild control,
And with the shadow of a fond despair,
Darkening the fountain of my young life's stream,
It haunts me still and yet I know 'tis but a dream.

Where art thou, shadowy presence, that dost hide
from me the light of the glorious things of earth
and heaven?

A mirror 'ere thou dost showst dost thou hide
Or with those glimmerings of a former birth,
A "trailing cloud of glory," hast thou come
From some bright world afar, our nation's home?

I know thou dwellest not in this dull, cold, Real,
I know thy home is in some brighter sphere,
I know I shall not meet thy ideal,
In the dark wanderings that await me here.

Why comes thy gentle image then, to me,
Wandering my night of life in one long dream of thee?

The city's people, solitude, the glare
Of festal halls, moonlight, and music's tone,
All breathe the life of dream—how art thou there,
And even with nature I am still alone!

With joy I see her summer bloom depart;
I love stern winter's reign—'tis winter in my heart,
And if I sigh upon my brow alone
The vanished shadow of Time's restless woe,
'Tis for the youth I loved and lost—
The deepest brightness of my first sweet love.

That I might give thee not the joyous form
Unborn by tears and cares, unlighted by the storm.

And when the heart is made to proud to win,
Breathe, in those tones that womanhood does dear,
Words of unimpassioned homage unto mine,
Coldly and harsh they fall upon my ear.

And as I listen to the fervent words of love,
My weary heart replies, "Alas, it is not thou!"

And when the thoughts within my spirit glow
That would out-pour themselves in words of fire,
If some kind influence bade me cease to strive,
Like that which woke the notes of Minerva's lyre.

Thou, sunlight of my life, wak'st not the lay
And song within my heart unuttered dies away.
Depart, O shadow! fatal dream, depart!
Go, I conjure thee, leave me this poor life,
And I will meet with firm heart and steady eye,
Its threatening storms and its tumultuous strife.

With the poet-seer will see thee stand
To welcome my approach to this new Spirit-land.

THE IDEAL FOUND.

I've met thee, whom I dared not hope to meet
Save in the enchanted land of my day-dreams;
Yes, in this common world, this waking state,
Thy living presence, my heart's true beams.

Life's dream unclouded in reality?
And in those eyes I read indifference to me!

Yes, in those star-like eyes I read my fate,
My horoscope is written in their gaze:
My "house of life" is here, my "house of death" is there,
But the dark spirit my firm heart surveys.

Nor faints nor falters over thy fate,
'Tis calm and serene and strong—no, no, it shall
not break.

For I am of that mood that will defy;
That does not tremble before the gathering storm;
That face to face will meet its destiny,
And undimmedly confront its darkest form.

Wild energies awaken in this strife,
The conflict of the soul with the phantom life.
But ah! if thou hadst loved me, had I been
All to thy dreams, I'd have mine own thou art.

Had those dark eyes beamed eloquent on mine,
Pressed for one moment to that noble heart
In the full consciousness of my own life,
Life could have given no more—then had my
poor heart broken!

The Alpine glacier from its height may mock
The clouds and lightning of the winter sky,
And from the tempest and the thunder's shock
Gather new strength to lift its summit high;

But kissed by sunbeams of the summer day,
It bows its icy crest and weeps itself away.

Thou know'st the fable of the Grecian maid
Who by the veiled immortal from the skies,
How in full perfection, once she prayed,
That he would stand before her long eyes.

And that brightness, too, to leave to bleed,
Consumed her life—wrought heart with its divine
excess.

To me there is a meaning in the tale,
I have not yet to meet thee; I can brook
That thou shouldst wait to meet me; I can brook
I can give back thy cold and careless look;

'Tis shrined within my heart still to meet thee,
What there thou wert—was a beautiful, bright
dream!

MISCELLANY.

THE LAW OF FOREIGN MISSIONS.

A LECTURE

BY HON. CHARLES J. INGERSOLL.

Several years ago, by way of evening am-
usement in the country, I translated Bynkers-
hoek's twenty-four books of *Paraphrase*, in
turning very unclassical and difficult
modern Latin into English. Finding my
work when done but an imperfect view of
the subject, and becoming pleased with it,
I consulted Wicquefort, Belfield, Vattel, Gro-
tius, Merlin, Marten, and whatever other
writers upon it I could lay my hands on.
Finally, the following introduction was com-
posed to the knowledge of an important
branch of jurisprudence but little cultivated,
whose principles and practice, fully pre-
sented, form a useful and interesting por-
tion of law, seeming to supplant all other
law, and exist without law.

INTRODUCTION.

The employment of foreign ministers,
and perhaps their privileges, may be traced
to the earliest times; their agency is proba-
bly coeval with the existence of nations.
Moses sent messengers to the King of Egypt
to negotiate a passage for the Israelites
through his territories. (Exodus 29, 14.)
He also commissioned messengers for the
same purpose to the King of the Amorites,
(20, 21.) Hiram, King of Tyre, sent mes-
sengers to David, King of Israel, (2 Sam. 5,
11,) who waged war upon the Ammonites
for the tribute of his servants when sent to
them on a friendly errand. This last sen-

tence is mentioned by Grotius, (lib. 2, ch.
18, s. 11,) to show that the maltreatment
of such messengers, as they are termed,
was deemed a sufficient cause of war. And
when such authority as Barbeyrac (in the
preface to his translation of Bynkershoek)
informs, from the three former instances, not
only the agency of foreign ministers, but
their inviolability, it might be presumptuous
to doubt whether these passages from
Scripture prove that the envoys or mes-
sengers employed on these occasions were pri-
vileged from jurisdiction or interruption.
In one of his parables, our Savior (Luke
14, 32) says of a king deliberating on hos-
tility with a more powerful enemy, that he
sendeth an embassy and desireth condi-
tions of peace. There is no doubt of the
frequency of foreign missions at that time,
and their inviolability at all times may very
fairly be taken for granted from its neces-
sity to their existence.

A wicked messenger, saith the proverb, falleth
into mischief, but a faithful ambassador is health—
Prov. 13, 17.

The last note to the third chapter in
Matthew, in Clarke's learned and instructive
edition of the Bible, gives an account of
the ancient herald, whose function and
privileges were like those of the modern
foreign ministers.

In Shakespeare's King John, the first scene
of the first act shows that he was accurately
aware of the respect and immunity allowed
to them under the most unfavorable cir-
cumstances. King John, surrounded by
his court, in a room of state, receives the
French ambassador, Clitellion, by inquir-
ing—

"Now say, Clitellion, what would France wish us?"
To which Clitellion answers:

"Thus, after greeting, speaks the King of France:
'In my behavior to the majesty,
'The borrowed majesty of England here—'"

At this Queen Eleanor exclaims:

"A strange beginning! Borrowed majesty!"
"King John—Silence, good mother, hear the em-
bassy!"

Clitellion then, in the name of the King
of France, peremptorily demands Ireland,
Poitiers, Anjou, Touraine and Maine, as
belonging to Arthur, Plantagenet, nephew of
Philip, King of France.

To this demand, the reply is by King
John—

"What follows, if we disallow all this?
Clitellion—The proud control of fierce and bloody
war."

To enforce these rights so forcibly withheld.
King John—Then have we war for war and blood
for blood.

Clitellion for contempt—so answer France.
Clitellion—Then take my King's defiance from my
mouth.

The farthest limit of my embassy."

King John's final rejoinder is remarka-
bly evidential of Shakespeare's knowledge
of this peculiar law.

"Bear mine to him; and so depart in peace—
Be thou as lightning in the eyes of France,
For ere thou canst report, I will have there:
The thunder of my cannon shall be heard.
So hence! Be thou the trumpet of my wrath,
And sullen presage of your own decay."

Thus having defied and dismissed the
French minister with a declaration of war, the
King turns to his own officers, and adds:

"An honorable conduct let him have:
Pendragon, look to it. Furewell Clitellion!"

In these few lines of blank verse we have
an excellent treatise of the whole law on the
subject, viz: that under almost any cir-
cumstances of hostility and provocation,
the minister or messenger of another State
is privileged for speech, and entitled to what
Shakespeare terms "honorable conduct," that
is, protection from molestation.

Cicero, in his *Oratio de Haruspicio*
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which is referred to by Grotius, lib. 2, ch.
18, sec. 2, par. 1, not. 3. This inviolability
enviored by divine right is probably as
strong an expression of it as can be em-
ployed. The sanctity and veneration of
their more title, in his opinion, render them
inviolable, not only among friends or allies,
but enemies contending in arms.

Profane history teems with assurance
that the agents of negotiation between for-
eign countries, in war as well as in peace,
were exempt from all molestation, and proba-
bly jurisdiction, in their persons, their
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hardly to be asserted but to reprobate prac-
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Herodotus (lib. 7, ch. 32) stigmatizes the
Athenians and Lacedaemonians as guilty of
a manifest breach of the law of nations
when they imprison the Persian ambassadors.

Cicero (lib. 2, ch. 12) censures the
Gauls for imprisoning ambassadors,
whose names, he says, were always sacred
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To these references might be added cita-
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but I believe we may rest satisfied of the
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Vattel, b. 4, ch. 7, s. 103.—The Poles, the
Moors, and the Turks are said to acknowl-
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or universal usage. But at least, ever since
the middle of the thirteenth century, the
whole civilized world, by municipal regu-
lations, stands pledged, each State to the
rest, for enforcing the privilege of foreign
ministers. And no portion of the law of
nations, conventional or customary, stands
on firmer or more pronounced sanction.

1 Marten's Guide, ed. on republ. 342.—
In 1266 a law of Spain fixes the qualities
and duties of ambassadors and other agents
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stitution, which is the supreme organic law not so liable to change, and to which all laws and magistrates are subordinate.

By this paragraph the judicial power of the Union, excluding those of the several confederated States, extends to all cases affecting ambassadors, other public ministers and consuls; in all which cases the Supreme Court has original jurisdiction. (Art. 3, sec. 2.)

30 up, 1, 790, s. 26.—The act of Congress soon after enacted invalidates all process from any court of the United States, or any of the State courts, or any judge or justice of the peace, or arrest or imprisonment of the person of any ambassador or other public minister of any foreign Prince or State, authorized and received as such, by the President, or any domestic servant of the same, or to detain, seize, or attach his or her goods or chattels; excepting, however, any citizen or inhabitant of the United States having contracted such suits prior to entering into the service of such minister, nor shall any person be liable for the proceedings of this act for having arrested or sued any domestic of such minister, unless the servant's name be first registered in the office of the Secretary of State, by whom it is to be transmitted to the marshal of the district where Congress reside, to be there put up in a public place in his office.

Moreover punished with imprisonment, not exceeding three years, and fine at the discretion of the court, any person suing forth such process, all attorneys and solicitors prosecuting, and all officers executing the same, as violators of the law of nations and disturbers of the public repose.

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In a case much considered by the Supreme Court of Pennsylvania, in the year 1794, (De Longchamps' case, 1 Dal. 111,) it is said that a wrong opinion has been entertained concerning the Court of King's Bench, in England, in the noted case of the Russian ambassador. They detained the offenders after conviction, in prison, from term to term, until the Czar Peter was satisfied, without ever proceeding to judgment; and from this it has been inferred that the Court doubted whether they could inflict any punishment for an infraction of the law of nations. But this was not the reason. The Court never doubted that the law of nations formed part of the law of England, and that a violation of this general law could be punished by them; but no punishment less than death would have been thought by the Czar an adequate reparation for the arrest of his ambassador. This punishment they could not inflict, and such a sentence as they could have given he might have thought a fresh insult. Another expedient was therefore fallen upon.

In the same case of De Longchamps, the court declares that the person of a public minister is sacred and inviolable. Whoever offers any violence to him, not only affronts the sovereign he represents, but also hurts the common safety and well-being of nations; is guilty of a crime against the whole world. And the reasons which establish the inviolability and independence of the person of a minister, apply likewise to secure the immunities of his house. It is to be defended from all outrage; it is under the peculiar protection of the laws; to invade its freedom is a crime against the State and all other nations. The comities of a minister, or those of his train, partake of his inviolability. The independence of a minister extends to all his household; these are so connected with him that they enjoy his privileges and follow his fate. The Secretary of the embassy has his commission from the sovereign himself; he is the most distinguished character in the suite of a public minister, and is in some instances considered as a kind of public minister himself. Threats of bodily harm to his person, in the domicile of the minister plenipotentiary, would take away the freedom of his conduct. The business of the sovereign could not be transacted, and his dignity and grandeur would be tarnished. The minister's house is to be considered a foreign domicile, where the minister resides in full representation of his sovereign, and where the laws of the State do not extend.

The District Court of Philadelphia, in 1830, enforced the principle of the inviolability of all foreign ministers in a strong illustration of it. Torlode, the chargé d'affaires of one of the contending claimants to the Government of Portugal, sued Barroto, the chargé d'affaires of the other, for the archives and documents of the legation, on the ground that he latter was but an individual, without public character or privilege. Torlode's constituent government was in possession, Barroto's was overthrown and expelled. He had taken his passport from the Government of the United States, and was about leaving this country. Yet the judgment of the court was, that the suit by the recognized minister against the latter of his faculties; the court doubted whether the Portuguese Government could do so. Where a minister announces to the American Government that his functions have ceased, in consequence of the end of the Government which appointed him, his privilege to return unharmed does not cease; and if he is arrested or imprisoned by another government of his own country, has been recognized by that of the United States. The recognition of a foreign minister by the government of the United States is conclusive evidence in a court of justice of the authenticity and validity of his credentials; and the official acts of Government are also conclusive evidence whether he is a returning minister. In the case of Ortega, a Spanish minister, the Circuit Court of the United States for the Pennsylvania district, had before determined that foreign ministers cannot waive their privileges.

The English act of Parliament, so far as relates to the case of Matucoli, the immediate cause of it, is retrospective in its consequences, annulling proceedings then in train for execution. It organizes an extraordinary form, of any two or certain judges named, authorizing them to inflict such pains, penalties, and corporal punishment as they judge fit to be imposed. If this is to be done without trial by jury, as would seem to be the intention of the law, and if the punishment may be capital, the genius of English law makes large concessions. The exclusion of bankrupt merchants and traders, putting themselves into the service of ambassadors, by the English act, is extended by the American act to all citizens and inhabitants of the United States who shall have contracted debts prior to entering into the service of an ambassador, such debts being still due and unpaid.

Both the English and American acts are careful to provide that ambassadors and other public ministers shall be authorized and received as such, in order to be privileged. Neither of these acts lays any restraint on the Government of their respective countries, or provides in any way against public prosecutions of foreign ministers. The prohibitions seem to be aimed at civil suits. The American law, especially, is explicit in its limitation to persons suing forth or prosecuting any writ or process.

It is observable that while both of them prohibit process of arrest and attachment, neither of them forbids that of summons, so familiar to both their codes. It is difficult to suppose that this material omission was unintentional. It may be, that the summons was deemed a harmless measure against persons not resident, according to legal fiction, where process against legal persons, and their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations. (Act of September, 1789, sec. 12.)

careful to provide that ambassadors and other public ministers shall be authorized and received as such, in order to be privileged.

An Alabama preacher has been abusing us, and invoking the Kentuckians to mob us. We say nothing now of the impertinent intermeddling with our "peculiar State institutions," which this reverend cut-throat has been denouncing in "Northern abolitionists," we merely wish to inform him that he may play assassin in the Christian land of Alabama, but that we Kentuckians only go in for a "free fight," and are *Heathen* enough to disgrace native grown hench by stopping the nasal twang of any sniffling Hypocrite, who in "Kendall green" or "saintly black" should attempt any thing else than "open ring, and a fair shake."—Should this bellicose parson stray off this far from his flock, the chances are more in favor of our making a *scape goat* of him, than of his making a *slain lamb* of us.—Now, let Kentuckians stand aside—take no offence, it is to the Alabamians that we preach our sermon. One man does not see the injustice of slavery—he has not reflected upon *general* principles—he has from this relation many *immediate* advantages to himself—he has heard that the Bible sanctions slavery—that many men deemed pure patriots, in days past, held slaves—he has hardened his heart, and goes in blindly for perpetual slavery: this man is no hypocrite, yet in the eyes of God he is guilty—nature avenges her violated laws—a thousand evils of unknown cause come upon him and his, in life, and upon his descendants, perhaps insurrection and death! Another man knows that slavery is wrong, a violation of natural right and in opposition to the aggregate economical progress of the commonwealth—he sees that it is a libel upon our system of professed republicanism—he feels that it is in opposition to every principle of Christianity—he treats with due contempt the idea of a "marx" of slavery having been put upon the African, seeing that history proves, without controversy, that the great majority of slaves, in all ages, have been whites—he gives you the wink, and tells you frankly that he loves power: this man is no hypocrite, and if God ever looks upon sin with the least degree of allowance, he sins him into some con-

PLAIN TALK.—The slave party are in a habit of denouncing us as incendiary. We say in our paper, that the slaves are impotent—their press teems with talk of murder, insurrection, rape, fire, and poison. We tell of the necessary submission of the slave and freedman—they, of the tumult and insubordination of both. Now we leave it to every candid man to say, whose paper is the most dangerous to fall into the hands of slaves, theirs or ours? For long months, the whole city press here, was most violent and denuncatory and murderous in its tone against us, and so defence *allowed us in their columns.* Yet none of their great men spoke out for us—no public meeting was called to denounce the plotters against the lives of loyal citizens—but so soon as we took measures for our own defence, and civil war was threatened, the slave party were the first to run around and rifle all idea of mobs! And yet they now have the hard-hood to affect horror at insurrectionary matter being put in print! Just as false as the insinuation that

LO! HERE!—LO! THERE.—The pro-slavery party of the North are mistaken, when they take the press of the South as a criterion of public sentiment; they are the moral pieces of the slaveholders, who are the property holders of the country: they hold the bread of the press in their hands: to expect them to speak out like men, is to expect every mother's son of them to be Martin Luthers, Emmets, and Hampdens; which is absurd. Politicians are no better; where is the man among them, who will sacrifice present power, to the contingency of a realiser rising with the swelling tide of freedom? The Church continues to take great pleasure in talking to their self-complacent auditors, of the beauty of holiness—the exceeding sinfulness of sin.—The seeds of an independent party is planted—a party of slow but sure growth, but of certain success—and lasting power—traitors and rebels, in the eyes of the Ameri-

¶ The following are the post offices to which the True American will be sent free of postage, taken from Mr. H. Bassett's return to the Observer & Reporter:

Athens,	Midway,
Bonhams,	Morristown,
Burr's Tavern,	Mt. Erytown,
Big Eagle,	North Middletown,
Bout's knoll,	Nichollsville,
Centreville,	Newtown,
Clintonville,	Parsons,
Cullyville,	Rifle's Mills,
Chilburg,	Rhinehart,
Frankfort,	Shawnee Run,
Grant Crossings,	Stamping Ground,
Georgetown,	Versailles,
Kearse,	Winchester,
Leesburg,	White Hall,
Long Lock,	White Sulphur,
Millersburg,	Yarn Root,
Morland's,	

The people of Cincinnati are rejoicing over a most important event in the history of our City, the completion of the Miami Canal, by which a regular and direct communication is established between Cincinnati and Toledo, (at the head of Maumee Bay,) on Lake Erie. The Miami Canal extends from Cincinnati to De-fiance, and is one hundred and seventy-eight miles in length. At De-fiance, it strikes the great work of Indiana, the Wabash and Erie Canal, making the entire line of Canal, from Cincinnati to Toledo, on the lake, two hundred and sixty-five miles.

in this association with feelings of desecrated favor, and would bespeak for them, as far as our influence extends, all the information, that in this correspondence, they may require us. But this is not the case. Our friends are not so, and we believe have not the backwardness of information, upon subjects of general interest when they can be applied for it. And more than this, such an association, having such strong claims to the knowledge and veracity of our friends, in reference to the subjects of inquiry, will find a ready audience, without our recommendation to give them acceptance. We hope our friends in the State will show them the liberal in their search for truth, upon subjects, with the correctness of which, they have the right to be acquainted, if they take the pains to

I W WARNER,
In behalf of himself and others
Wellington, June 25th 1845

